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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,553	07/28/2006	Richard Dean Parkinson	JAGP 0103 PUSA	2690

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EXAMINER	
HICKS, CHARLES V	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
08/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,553	PARKINSON ET AL.	
	Examiner	Art Unit	
	CHARLES HICKS	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 18* is/are rejected.

7)☒ Claim(s) *8-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/14/2006; 03/14/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim 19 is cancelled. Claims 1-18 are pending in this examination.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 4, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by DeWind et al. (US 2006/0164230).

In reference to claim 1, DeWind teaches a touch screen control system comprising a touch screen having first and second conductive layers arranged to be brought together by touching of the screen (DeWind, pg. 14, par. 130; pg. 35, par. 236),

and a detection system arranged to detect a contact position at which the screen is touched by monitoring electrical signals from at least one of the layers (DeWind, pg. 14, par. 130; pg. 35, par. 236),

wherein the system further comprises an antenna (DeWind, pg. 36. par. 237),

and the detection system includes a proximity sensing signal generator arranged to generate a proximity sensing signal to be transmitted between the antenna and the first layer via a user of the system (DeWind, pg. 35, par. 236; pg. 36, par. 237),

and the detection system is further arranged to receive the transmitted proximity sensing signal and determine therefrom a distance between a part of the user and the touch screen (DeWind, pg. 35, par. 236; pg. 36, par. 237).

Claim 2 is rejected as being dependent on rejected claim 1 as discussed above and further, DeWind teaches wherein the first layer has two contact elements extending along opposite sides thereof (DeWind, pg. 5, par. 76; pg. 6, par. 79).

Claim 4 is rejected as being dependent on rejected claim 1 as discussed above and further, DeWind teaches wherein the detection system is arranged to transmit the proximity sensing signal from the antenna to the first layer (DeWind, pg. 35, par. 236; pg. 36, par. 237).

In reference to claim 18, DeWind teaches a touch screen control system comprising a touch screen having first and second conductive layers arranged to be brought together by touching of the screen (DeWind, pg. 14, par. 130; pg. 35, par. 236),

and a detection system arranged to detect a contact position at which the screen is touched by monitoring electrical signals from at least one of the layers (DeWind, pg. 14, par. 130; pg. 35, par. 236),

wherein the first layer is arranged to act as a receiving antenna to receive a proximity sensing signal transmitted from a transmitting antenna via a user,

and the detection system is further arranged to transmit the received proximity sensing signal on to a proximity sensing system thereby to enable the proximity sensing system to determine a distance between a part of the user and the touch screen (DeWind, pg. 35, par. 236; pg. 36, par. 237).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWind et al. (US 2006/0164230) in view of Kley (US 4,435,616).

Claim 3 is rejected as being dependent on rejected claim 2 as discussed above and further, DeWind however fails to teach wherein the detection system is arranged to connect the contact elements to different potentials so that the potential of each of the layers varies with a distance from each of the two contact elements thereby to enable sensing of the contact position.

Kley discloses a touch sensor, analogous in art with that of DeWind, wherein the detection system is arranged to connect the contact elements to different potentials so that the potential of each of the layers varies with a distance from each of the two contact elements thereby to enable sensing of the contact position (Kley, Fig. 4; col. 1, ll. 5-14; col. 6, ll. 45-63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the touch sensor of DeWind such that the detection system is arranged to connect the contact elements to different potentials so that the potential of each of the layers varies with a distance from each of the two contact elements thereby to enable sensing of the contact position, as taught by Kley.

As one of ordinary skill would appreciate, the suggestion/motivation would have been to provide a touch panel which prevents false signal generation due to

changes in proximity, humidity, clothing, and component variation (Kley, col. 1, ll. 31-37).

Claim 5 is rejected as being dependent on rejected claim 2 as discussed above and further, DeWind modified by Kley teaches wherein the detection system is arranged to receive the proximity sensing signal via at least one of the contact elements (Kley, Fig. 6, Yout; col. 6, ll. 64-col. 7, ll. 9).

Claim 6 is rejected as being dependent on rejected claim 5 as discussed above and further, DeWind modified by Kley teaches wherein the detection system is arranged to receive the proximity sensing signal via both of the contact elements (Kley, Fig. 6, Yout, Xout; col. 6, ll. 64-col. 7, ll. 9).

Claim 7 is rejected as being dependent on rejected claim 6 as discussed above and further, DeWind modified by Kley teaches wherein the detection system includes a summing device arranged to sum signals from the two contact elements to produce a received proximity sensing signal (Kley, Fig. 6, Yout, Xout; col. 6, ll. 64-col. 7, ll. 9).

Allowable Subject Matter

5. Claims 8-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest the limitations found in the above claims in combination with all the limitations of the parent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES HICKS whose telephone number is 571-270-7535. The examiner can normally be reached on Monday-Thursday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CH

/Alexander Eisen/
Supervisory Patent Examiner, Art Unit 2629